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IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. [33] /2005

SINGLE BENCH

PETITIONER:-

Dharam Raj Mandavi
S/O Late Jheeturam Mandavi
Aged 39 years,
Govt. Higher Secondary School
Purur, Distt. Durg(C.G.)

VERSUS

RESPONDENTS:-

1. State of Chhattisgarh
Through : - Secretary,
Department of school
Education, D. K. S. Bhawan,
Raipur (C. G.)
- 2- The Joint Director
Lok Shikshan Raipur, Division
Raipur (C. G.)



WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA

आदेश पत्रक

W.P. No. 1331/2005

मामला क्रमांक

आदेश पत्रक

W.P. No. 1331/2005

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>6/4/2005</u> Shri Virendra Shrama, Advocate with Shri Y. C. Sharma, Advocate for the Petitioner. Shri Sandeep Dubey, Govt. Advocate for the respondents/State. Heard. By this petition under Article 226/227 of the Constitution of India the petitioner seeks a direction to the respondents to pay the increments and seniority on the basis of the date of his initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in O.A.No. 1452/98 (Harish Chand Singh & others Vs. State of M.P. & others) dated 31.1.2000. The case of the petitioner is that he was appointed as Upper Division Teacher in the School Education Department in the year 1993 on probation for a period of two years with the fixed salary of Rs. 1400/- p.m. However, later on after completion of two years tenure the petitioner was regularized but he is not being given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay scale, wherein learned Tribunal vide order dated 31.1.2000 (Annexure P/2) allowed the same. The petitioner made several representations to accord same treatment as he is also similarly situated Upper Division Teacher but the respondents have not paid any heed, therefore he is forced to file this petition.	

आदेश पत्रक

W.P. No. 1331/2005
मामला क्रमांक सन् 2005

..... विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to the Respondent No.1 to give similar treatment to the petitioner and the same pay scale which have been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dt. 31.1.2000, to which learned State counsel has no objection. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court the limited prayer made by learned counsel for the petitioner appears to be reasonable. Therefore, the petitioner is allowed to make a representation within a period of two weeks from today to the respondent No.1 raising all his grievances and in turn the Respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date receipt of such representation, after considering all the points raised by the petitioner and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in O.A.No. 1452/98, and if the petitioner stands on the same footings, as the petitioners in the O.A.No. 1452/98 then the be also sanctioned the same pay scale and seniority. I am told that number of petitions are being filed before this Court by the similarly situated teachers for allowing the same benefits as have been allowed to the petitioners who filed O.A.No. 1452/98 in the State Administrative Tribunal, Jabalpur, as they are	

आदेश पत्रक

ज.प. नं०. 1331/2005

मामला क्रमांक सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	forced to file such petition on account of none action on the part of the Respondent No. 1. Therefore, before parting with the order, I would like to observe that the State Government should consider that if other similarly situated teachers are left out then they should be given the same treatment. With the direction aforesaid, the petition stands disposed of finally. Consequently I.A. No. 2550/2005 also stand disposed of. Certified copy as per Rules.	Sd/- L.C. Bhadoo Judge